

Connecticut Funeral Directors Association, Inc.
364 Silas Deane Highway
Wethersfield, CT 06109
(860) 721-0234

Written Testimony in SUPPORT
Nicole Paquette, Legislative Co-Chair
Connecticut Funeral Directors Association, Inc.

SB 1083 - An Act Concerning Various Revisions to the Public Health Statutes

Public Health Committee
Public Hearing
Monday, March 29, 2021

Good Afternoon, Senator Daugherty Abrams, Representative Steinberg, Senator Hwang, Senator Somers, Representative Petit, and the distinguished members of the Public Health Committee. My name is Nicole Paquette, I am a licensed funeral director, embalmer, and the Legislative Co-Chair of the Connecticut Funeral Directors Association (CFDA), which represents approximately 220 funeral homes throughout the state.

Thank you for hearing testimony today on SB 1083, "An Act Concerning Various Revisions to the Public Health Statutes". CFDA submits this testimony and attached amendment in **SUPPORT of SB 1083 Section 7**, drawing the committee's attention to two matters addressed herein:

Firstly, the hospital notification to a mother who has born a stillborn child (fetus), and the mother's sole decision to arrange for burial or cremation of the stillborn child. This unilateral language excludes the hospital notification and the disposition decision to the other parent, or father, whose legal name, date of birth and birthplace is required on the State of Connecticut Department of Public Health "*Certificate of Fetal Death*" (attached with this testimony, Rev. 1/18). Disposition choices on a Certificate of Fetal Death include more than just "burial" or "cremation"; disposition can also include: removal from State, donation, and hospital disposition. We know that fathers, too, mourn and suffer the loss of a stillborn child. Enacting a law that intentionally deprives either parent of disposition decisions seems unconscionable.

Furthermore, Connecticut General Statutes Sec. 45a-318 established a priority list of persons who shall have custody and control of a decedent's remains. In the case of no spouse, and no surviving adult children, item (3) indicates the deceased person's **surviving parents**, who share equal custody and control of the remains. (The statute is listed on the back of the State of Connecticut Cremation Permit and is attached with this testimony). A parent, either unavailable or unwilling, may choose to waive their disposition right, and should concerns or disputes arise, custody and control matters are addressed and determined by the Probate Court. Identifying only one parent in the raised bill is not consistent, and merely adds confusion, with an already established priority list which works well. CFDA recommends that both parents be included in an amendment to section 7.

Secondly, CFDA recommends a provision that is not addressed in the bill, but would allow for the ability of funeral directors to serve the parent(s) of a stillborn child or fetus, with an obstetric estimate of gestation of less than 20 completed weeks. A Certificate of Fetal Death is not issued, as a stillborn fetus born within this time is not recorded as a fetal death. No death certificate means no burial permit, and no cremation permit. No fetal death certificate means funeral directors cannot serve grieving parents in their loss due to the timing of their loss. Under a twenty-week gestation could mean a nearly five-month pregnant woman. CGS Sec. 7-60 concerns "Fetal death certificates" and it can be much improved upon for these parents, who may choose burial or cremation services. Therefore, the Connecticut Funeral Directors Association seeks a statutory provision to accommodate for the religious/spiritual, traditions, customs, or personal disposition choices for parent(s) who have suffered the loss of a stillborn child or fetus that was less than a twenty-week gestation.

CFDA thanks this committee for the important work that is done here and elsewhere and we appreciate your careful consideration of our testimony with recommendations to Section 7 of Senate Bill 1083. I now make myself available to questions or comments, or at the convenience of the members of this committee.

Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 7. (NEW) (*Effective July 1, 2021*) (a) A hospital shall notify the mother and the father, who is identified on the Certificate of Fetal Death, of a child who is born stillborn of the burial and cremation arrangement options for such child (1) when practicable, upon admission to the hospital if the mother expects to deliver a stillborn child, or (2) if notification is not practicable upon admission or the mother did not expect to deliver a stillborn child, not less than twelve hours after (A) the birth of the stillborn child, and (B) the mother is determined to be lucid and able to reason independently and clearly by the mother's attending physician. The hospital shall make such notification in writing and provide a copy of such notification to any family member of the mother and father who is present in the hospital for the birth of the stillborn child. The mother and father may inform the hospital, in writing, of ~~her~~ their decision regarding the burial or cremation arrangements for ~~her~~ their stillborn child at any time during hospitalization and prior to discharge, provided the mother and father shall have a minimum of twenty-four hours after receipt of the written notification from the hospital to inform the hospital in writing of such decision.

(b) A Certificate of Fetal Death shall be issued for a fetus that died before a gestation period of twenty weeks, upon the request of the mother, father, or the funeral director, to arrange for burial or cremation of the fetus.

(c) In the event of a dispute between the mother and the father regarding the disposition of a stillborn child or the fetal remains, the Probate Court for the district of the domicile or residence of the mother shall have the jurisdiction to hear and decide any issue regarding the disposition of the fetal remains upon the petition of the mother, father, or a funeral director involved with the disposition.